

## **REMARKS**

Reconsideration of the present application is respectfully requested. Claims 1-26 were pending in this application. Claims 1-26 were rejected. No claims have been amended, added, or cancelled. Thus, claims 1-26 remain pending.

Claims 10, 11, and 24-26 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent App. Pub. US 2001/0034836 (hereinafter "Matsumoto") Claims 1-4, 6-9, 12, 22 and 23 were rejected under 35 U.S.C. 103(a) as being obvious over Matsumoto in view of U.S. Patent 5,535,276 to Ganesan. Claim 5 was rejected under 35 U.S.C. 103(a) as being obvious over Matsumoto in view of Ganesan, and further in view of Brickell. Claims 13-21 were rejected under 35 U.S.C. 103(a) as being obvious over Matsumoto in view of U.S. Patent No. 6,587,946 to Jakobsson. Thus each of the rejections relies upon Matsumoto as a primary reference.

The Applicants respectfully submit that Matsumoto is not properly prior art to the present invention. The Applicants are concurrently filing a Declaration under 37 C.F.R. § 131 to establish that the subject matter of the rejected claims was invented prior to the effective date of Matsumoto. Matsumoto was filed on January 30, 2001 and relates back to a provisional application filed on January 31, 2000. Applicants have not reviewed the contents of the provisional application, since the provisional application is in Japanese. Thus, Applicants reserve the right to dispute that the provisional application supports the application.

Applicants have enclosed a Declaration of prior invention under 37 CFR § 1.131. Applicants respectfully submit the Declaration and associated exhibits as proof that the rejected claims were invented prior to the earliest filing date Matsumoto cited by the

Examiner as prior art in the Final Office Action mailed 03/20/2006. As a result of Applicants' proof that the subject matter of the rejected claims was invented prior to the effective date of Matsumoto, Applicants respectfully request the Examiner to consider the Matsumoto as not properly prior art to the present invention. Therefore, Applicants respectfully request the withdrawal of the rejections over Matsumoto.

Applicants note that the declaration is presented at this late date because Matsumoto was presented as a new reference with the Final Office Action.

### **CONCLUSION**

Applicant respectfully submits that in view of the declaration and discussion set forth herein, the applicable rejections have been overcome. Accordingly, the present and amended claims should be found to be in condition for allowance.

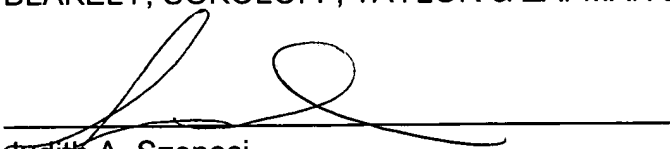
If a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Judith Szepesi at (408) 720-8300.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: \_\_\_\_\_

5/22/06

  
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